CLASSIFICATION OFFICE DECISION

Title of publication:	NZTDT 2014-42.pdf
Other known title(s):	Not stated
OFLC ref:	1600613.000
Medium:	Computer Text File
Publisher:	Education Council of New Zealand
Country of origin:	New Zealand
Language:	English
Applicant:	Secretary for Internal Affairs
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	Contains explicit sexual material.
Display conditions:	Pursuant to s27(4) of the FVPC Act, when the publication is on public display, the classification given to the publication must be shown by way of a label issued in accordance with a direction under section 36(A)(2) of the FVPC Act and this label must be displayed so that it is visible to readers prior to the decision being opened. The label must also be attached to any copy of the decision that is provided to members of the public.
Date of entry in Register:	11 October 2016
Date of direction to issue a label:	11 October 2016
Date of notice of decision:	11 October 2016

Summary of reasons for decision:

'NZTDT 2014-42.pdf' is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years. The publication records the proceedings of the New Zealand Teachers Disciplinary Tribunal in a case where a teacher had been convicted in court for making an objectionable publication. The Police summary of facts outlining the circumstances of the teacher's offending is included in the Tribunal's report. It includes lurid, explicit references to sexual acts involving a young teenage girl. Because of the disciplinary context in which it appears, the material does not promote or support, or tend to promote or support, the exploitation of young persons for sexual purposes. It does, however, contain text describing highly degrading sexual conduct that, to some extent, suggests sexual violence. Further, the material contains highly offensive words and phrases that are capable of causing serious harm to children and young people. At the very least, young readers would be shocked and disturbed by the sexual content. The material is capable of causing serious harm to children and young people. The possibility of further harm to the young girl (or girls) involved is also an ongoing concern. Although the Disciplinary Tribunal's

website is intended to serve teachers and other professionals, it is also accessible to students and other young people, including victims. Restricting this publication to adults interferes with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990, but this limitation is demonstrably justified in a free and democratic society, given the likely injury to the public good if the report were available to children and young persons.